

HKB&G

HUFFMAN, KELLEY, BROCK & GOTTSCHALK, LLC

ATTORNEYS AT LAW



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January 11, 2012

FRED WEMMER GOODING
(1914-1972)
JOHN R. EVANS
(1928-2000)

LAWRENCE S. HUFFMAN
C. BRADFORD KELLEY
LAWRENCE A. HUFFMAN
MATTHEW C. HUFFMAN
JOHN C. HUFFMAN
T. BLAIN BROCK II
CRAIG A. GOTTSCHALK
N. SHANNON BARTELS
*AARON L. BENSINGER

*Also licensed to practice in the State of CA

Federal Communications Commission
445 12th Street SW
Washington, DC 20554

VIA CERTIFIED MAIL

Received & Inspected
JAN 18 2012
FCC Mail Room

RE: Closed Captioning Requirement
Lima Baptist Temple
982 Brower Road, Lima, Ohio
CASE - CGB-CC-0218

Dear FCC:

This office represents Lima Baptist Temple with regard to the enclosed Petition for Exemption from Closed Captioning Requirements in the above referenced case. I am enclosing the original and 2 copies for your use. I have also enclosed a copy that I would like to have time stamped and returned to me in the self-addressed stamped envelope included herewith.

Thank you for your attention to this matter. If you have questions or need anything further please do not hesitate to contact me.

Sincerely,

HUFFMAN, KELLEY,
BROCK & GOTTSCHALK, LLC

By 
T. Blain Brock, II

TBB:cms
Encls.

JAN 18 2012

FCC Mail Room

Office of the Secretary
Federal Communications Commission
Attention CGB Room 3-B431
445 12th Street SW
Washington, DC 20554

PETITION FOR EXEMPTION FROM CLOSED CAPTIONING REQUIREMENT

INTRODUCTION

Lima Baptist Temple was founded in 1956 at its current location of 982 Brower Road, Lima, Ohio 45801. Lima Baptist Temple was originally begun as a mission church of 40 members and has since grown to over 650 members. Lima Baptist Temple members come from different walks of life and ethnicities, but they share one common goal, and that is to grow closer to God and allow Him to rule every facet of their lives. The Church's mission is to reach out to the community with the message of the saving Gospel of Christ, supporting families, and ministering in times of need.

The Lima Baptist Temple television program broadcasts each Sunday at 11:00 a.m. on WLIO-TV in Lima, Ohio and is produced by volunteer church members. The program running time is 58:26 and typically contains special music and performances, a children's Bible lesson, testimonials, prayer and an Old/New Testament sermon. Preaching is done expositionally and grounded solely in the authority of the Holy Bible. The program centers on the forgiveness grace and reconciliation found in a personal relationship with the Lord Jesus Christ. Emphasis is given to practical ways of applying Biblical principles and the responsibility of believers to reach out in compassion to people going through adversity and need. The program reaches across all age groups.

For the reasons set forth below, Lima Baptist Temple hereby requests an undue burden exemption from the closed captioning rules for the Lima Baptist Temple television program pursuant to 79.1(f) of the Federal Communications Commission's rules.

NATURE AND COST OF CLOSED CAPTIONS

Closed Captioning will involve producing a final-edit master to be shipped to an out-of-town vendor to be transcribed at the cost of \$675.00 per program. Attached are samplings of transcribing costs marked Exhibits A and B. In addition to the transcribing cost, subtitling and dubbing expense, there would be additional expense in hiring a local editing professional in order to meet the shipping receipt deadline requirement of the transcribing vendor and return shipping deadline requirement to meet the WLIO on air deadlines.

In-house voice recognition software for transcribing the program has been rejected due to its expensive startup cost and is impractical due to the fact that there are many and various speakers on a regular basis. Also, these speakers regularly speak in an extemporaneous and expository style, therefore, the use of prepared scrolls and subtitles have been ruled out. It is imperative that there is total accuracy in the proclamation of the Holy Scriptures.

IMPACT ON THE OPERATION OF THE PROGRAM PROVIDER

Currently, the Lima Baptist Temple program costs \$25,740 per year for airtime (See Exhibit C). Volunteers operate all equipment involved in production, therefore closed captioned would add \$35,000 to the cost of airing the program. These additional expenses would necessitate that funds be diverted from other vital church ministry areas in order to continue the program.

FINANCIAL RESOURCES OF THE PROGRAM PROVIDER

As reflected by the attached financial statement for the period ending November 2011 (See Exhibit D), Lima Baptist Temple does not have the funding to cover these expenses. There has been a pattern reflecting a shortage of offerings given to meet the projected budget throughout the current calendar year. We anticipate that we will end the year significantly short of meeting the projected budget.

The Designated Fund is comprised of donations made to Lima Baptist Temple for specific purposes. These monies can only be expended for the purpose for which they were given.

The Television Ministry is funded through the Church's General Fund Budget. Should we be required to add the *Closed Caption* process into the Television Ministry, which we consider one of the vital outreach ministries of our Church, we would be forced to divert funds from some other area in our General Fund. The added cost related to implementation of the *Closed Caption* process would significantly impact our Church's ability to operate financially within existing and projected resources.

WLIO-TV currently does not have facilities to assist the Church in this endeavor.

TYPE OF OPERATIONS OF THE PROGRAM PROVIDER

Lima Baptist Temple is a non-profit religious institution providing traditional, spiritual, emotional, and physical support to a diverse economic, ethnic and social population. No solicitations or appeals for donations are made to the viewers of the Lima Baptist Temple program.

OTHER FACTORS

Petitioner believes that the local, non-news exemption to the closed captioning rules also applies to the Lima Baptist Temple program. As noted above, the program is produced and distributed locally, and the sermons of Lima Baptist Temple are of primarily local public interest. The episodes are

not news, they do not have repeat value, and the electronic newsroom technique is not available. Notwithstanding the applicability of the exemption, we have filed this petition in an abundance of caution and for the purpose of establishing certainty.

CONCLUSION

As shown by this Petition and its attachments, the Commission should grant a waiver of the closed captioning requirements in this case because required closed captioning would create an undue burden. The cost of captioning would be excessively high and would have a significant impact on Petitioner's operations. The Petitioner's type of operations and financial resources are different in kind and magnitude from a mainstream programming provider. Because of the significant difficulty and expense of providing closed captions, a waiver under 79.1(f) is warranted. If more information is needed, please contact me at the address provided below.

T. BLAIN BROCK, II
Attorney at Law
HUFFMAN, KELLEY, BROCK & GOTTSCHALK, LLC
540 West Market Street
Lima, Ohio 45801
Telephone: 419-227-3423
Facsimile: 419-221-3592
Email: tbb@540westmarket.com



Hi, Richard

Sign Out

Options

Help

Preview Mail w/ Y! Toolbar

Mail

My Y!

Yahoo!

Search

Search Mail

Quote for Closed Cap...

Quote for Closed Captioning

1

Hide Details

Wednesday, December 28, 2011 4:39 PM

FROM: Maria T. Vondras
TO: dickhi@yahoo.com
CC: 'Constance Carlson' crhoffman@vicaps.com

Hello Richard,

It was a pleasure speaking with you earlier. Video Caption Corporation would be delighted to assist you with the Closed Captioning of your weekly 60 minute English language religious program. As I understand it, you would provide your program to us as an MPEG2 file via digital upload. Our deliverable to you would be a Closed Caption Master (Premium Roll-Up Style Captions) as a Caption Embedded MPEG2 file. For purposes of this quote I am giving you your requested 2 Day Turnaround pricing as well as our standard pricing.

Pricing: \$675 for 2 Day Turnaround (Expedite)
\$450 for standard 3 business day turnaround

Price includes transcription, Premium Roll-Up Style closed captioning, and export of a caption embedded MPEG2 file. Please note that as a regular weekly client we would waive rush charges for the occasional 2 day turnaround. I'll follow up with you tomorrow to discuss our quote and answer any questions you may have!

Best Regards,

Maria T. Vondras
Customer Service & Sales



800-705-1203 (phone)
800-705-1207 (fax)
mtvondras@vicaps.com
www.vicaps.com

Photos

Download All

image001.jpg



Computer Prompting & Captioning Co.

1010 Rockville Pike, Suite 306
 Rockville, Maryland 20852-1419, USA
 301-738-8487 • FAX 8488 • TTY 8489
info@cpcweb.com • www.cpcweb.com

DATE: 12/28/2011
 Fed ID#: 52-1911964

PROPOSAL FOR A CAPTIONING SERVICE**To:**

Dick High
dickhi@yahoo.com
 Lima Baptist Temple
 982 Brower Rd.
 Lima, Ohio 45805

Qty

	Items & Descriptions	Unit Price per video	Extended Price For all videos
1	5 Day turnaround – 1 hour TV program video captioning provided by CPC. Transcript provided by CPC. MPEG-2 Program stream for ATSC broadcast TV	\$495	\$495
	Total		\$495

This proposal is valid for 90 days.

To place your order please fill out this online order form:

https://www.cpcweb.com/order/service/service_form.html

Sole Source Declaration

We are the manufacturer and vendor of all CPC software and hardware. We do not have a dealer network, so there are no official vendors that sell CPC software or hardware.

Prepared by Giovanni Galvez
 (301) 738-8487
ggalvez@cpcweb.com

For over 25 years, CPC has been meeting the closed captioning needs of thousands of organizations, both large and small. Our captioning software and services bring you the benefits of that long experience. Most importantly, with an unequalled history of captioning software breakthroughs, your CPC software will never become obsolete.



Remit Address:

WLIO
1424 Rice Ave
Lima, OH 45805
Main: (419)228-8835
Billing: (419)228-8835 ext 1015

INVOICE

Advertiser	Lima Baptist Temple
Product	Sunday Service 2011
Estimate Number	

Invoice #	64072-1
Invoice Date	12/25/11
Invoice Month	December 2011
Invoice Period	11/28/11 - 12/25/11

Station	WLIO
Account Executive	Jennifer Wenger
Sales Office	Local-Lima, OH
Sales Region	Local

Order #	64072
Alt Order #	8142
Deal #	
Order Flight	11/28/11 - 12/25/11

Billing Calendar	Broadcast
Billing Type	Cash
Special Handling	

IDB #	
Advertiser Code	
Product Code	

Agency Ref	
Advertiser Ref	

Billing Address:

Lima Baptist Temple
Attention: Accounts Payable
982 Brower Road
Lima, OH 45801

Line	Channel	Description	Time	Day	Date	Length	Air Time	Ad-ID	Rate	Reconciliation	Ref #
1	WLIO	Su PP 11a-12p	11a-12p								
					11/28/11 to 12/04/11	1x	-----S				
	WLIO			Su	12/04/11	58:30	11:00 AM	CHURCH PROGRAM	\$425.00		1
					12/05/11 to 12/11/11	1x	-----S				
	WLIO			Su	12/11/11	58:30	11:00 AM	CHURCH PROGRAM	\$425.00		2
					12/12/11 to 12/18/11	1x	-----S				
	WLIO			Su	12/18/11	58:30	11:00 AM	CHURCH PROGRAM	\$425.00		3
					12/19/11 to 12/25/11	1x	-----S				
	WLIO			Su	12/25/11	58:30	11:00 AM	CHURCH PROGRAM	\$425.00		4
				<u>Aired Spots</u>	4			<u>Aired Net</u>	\$1,700.00		

Payment Terms 30 Days

11:19 AM

December 2, 2011

Accrual Basis

Lima Baptist Temple
Profit & Loss
 January through November 2011

	Jan - Nov 11
Ordinary Income/Expense	
Income	
Huntington Investment	636.68
Activity Income	45,136.85
General Offerings	841,425.22
Interest	238.89
Miscellaneous Income	3,940.00
Mission Offerings	126,907.34
Total Income	1,018,284.98
Gross Profit	1,018,284.98
Expense	
215 Student Ministry	18,532.59
Adult Ministries -Senior Pastor	5,920.91
Audio Expense (Sound)	29,075.82
Benevolence	3,972.08
Building Insurance	11,246.89
Building Maintenance	84,220.71
Building Renovations	19,335.57
Childrens Ministry	12,142.65
Church Supplies	16,704.04
CiFi	4,875.10
Connexion Small Group Ministry	387.60
Employee Benefits	16,927.13
Flowers	1,549.27
Girlfriends Unlimited	4,452.41
Guest Speakers	8,069.45
Health Ins	53,132.19
Janitorial Supply	20,891.67
Miscellaneous	6,245.61
Music Ministry	4,561.52
Naeir Supplies	2,757.51
Office	23,409.78
Payroll Expenses	346,324.62
Postage	2,752.84
Professional Fees	1,700.00
Projection/Power Point	1,552.21
Senior Saints Ministry	21,385.09
Security	8,051.11
Taxes	2,583.02
TV / Video	26,030.33
Utilities	73,374.27
Vehicles	19,542.70
Foreign Missionaries	69,346.73
USA Missionaries	45,266.37
LBT Home Missionaries	16,716.00
Total Expense	983,035.79
Net Ordinary Income	35,249.19
Net Income	35,249.19



DATE:	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
08/03/2011	201121400873	DOMESTIC/REINSTATEMENT (REN)	25.00	.00	.00	.00	.00

Receipt

This is not a bill. Please do not remit payment.

LIMA BAPTIST TEMPLE, INC.
982 BROWER ROAD
LIMA, OH 45801

STATE OF OHIO CERTIFICATE

Ohio Secretary of State, Jon Husted

258558

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

LIMA BAPTIST TEMPLE, INC.

and, that said business records show the filing and recording of:

Document(s)
DOMESTIC/REINSTATEMENT

Document No(s):
201121400873



United States of America
State of Ohio
Office of the Secretary of State

Witness my hand and the seal of
the Secretary of State at Columbus,
Ohio this 29th day of July, A.D.
2011.

Ohio Secretary of State

Address any reply to:

P.O. Box 6901, Cleveland, Ohio 44101

EXHIBIT E-1

Department of the Treasury

District Director

Internal Revenue Service

Date:

MAR 22 1972

In reply refer to:

442:EO:1112:LD



▷ Lima Baptist Temple
982 Brower Road
Lima, Ohio 45801

Gentlemen:

This has reference to your request for a copy of a ruling letter holding you to be exempt from Federal income tax.

Records available to us list the Baptist Bible Fellowship International and its member churches and colleges on page 56 of the Department of the Treasury, Internal Revenue Service Publication #78. This is a cumulative list of organizations described in section 170(c) of the Internal Revenue Code--organizations to which donations are deductible. Individual listings of local educational, charitable or religious organizations controlled, supervised or owned by well known religious organizations have been omitted.

However, we have been furnished a directory of member churches of the Baptist Bible Fellowship. Lima Baptist Temple is listed on page 23.

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes under section 2055, 2106 and 2522 of the Code.

Very truly yours,

F. S. Turbett, Jr.
District Director



Affidavit

I, Charles D. Miller, Pastor of the Lima Baptist Temple, do swear in this Affidavit that the information in the attached report is true and accurate to the best of my knowledge.

01-09-12
Date

Charles D. Miller
Charles D. Miller

STATE OF OHIO
COUNTY OF ALLEN

Signed in my presence by Charles D. Miller, on 1-9-12, 2012.



MARY C. BUCZKO
Notary Public, State of Ohio
My Commission Expires
May 17, 2015

Mary C. Buczko